



Louisiana Oyster Task Force

LOTf MEETING NOTICE

Monday May 18, 2009

1:00 p.m.

UNO Advanced Technology Center

2021 Lakeshore Drive, Suite 300

New Orleans, La. 70122

Agenda

- I. ROLL CALL
- II. United Commercial Fisherman's Association Appointment to the LOTF, Dana Brocato
- III. APPROVAL of April 7, 2009 MINUTES
- IV. Oyster development Account Balance
 - a. Oyster Tag Sales- (LSPMB Staff)
 - b. LOTF Financial Report-(LSPMB Staff)
- V. Old Business
- A. LOTF Briefing Book Update (LSPMB and/or Wilson Voisin)
- B. Department of Health and Hospitals
 - a. Report on Louisiana's *V.p.* Management Plan for Oysters (David Guilbeau/Gordon LeBlanc)
 - b. Report on Louisiana's *V.v.* Management Plan for Oysters (David Guilbeau/Gordon LeBlanc)
- C. Department of Natural Resources
 - a. Legislation to exempt Coastal Zone permit requirements for concrete mats (DNR, Governor's Office of Coastal Affairs)
 - b. Ostrea Locks construction update (Jerome Zeringue)

COMMITTEE REPORTS

Finance (Mike Voisin)
Health (Glen Cambre)
Enforcement (Keith Lacaze)
Public & Private Oyster Grounds Committee (Buddy Pausina)

- a. Biological surveys following permitted coastal activities(Jakov Jurisic)

Research (John Supan)
Legal (Buddy Pausina)
Legislative (Mike Voisin)
Coastal Restoration (Jerome Zeringue)
Oyster Resource Advisory Committee (Mike Voisin)
Marketing (Mike Voisin)

- VI. NEW BUSINESS
 - a. Travel expenses (Buddy Pausina)
 - b. Extend the Time-Frame of the POLR Program Activities (Wilson Voisin)
 - c. ISSC Vibrio Management Committee Report (Mike Voisin)
 - d. Plans for Myrtle Grove Large-scale River Diversion -- The effect it will have on Barataria Bay (John Tesvich)
 - e. Early Morning harvest for June through September rule change request (Al Sunseri)

- VII. ADJOURN

LOTF Minutes April 7, 2009 Meeting

Absent: Jerome Zeringue, Brad Robin, Kirk Rhinehart, Jakov Jurisic, Leo Dyson and Shane Bagala.

Present: Glenn Cambre, Wilbert Collins, Dan Coulon, Keith Lacaze, Ralph Pausina, Al Sunseri, John Tesvich, Mike Voisin, Wilson Voisin, Peter Vujnovich.

Motion made by Mike Voisin, second by Wilbert Collins to approve Feb 3' 2009 minutes with edits made by Patrick Banks. **Motion carried.**

Ralph Pausina made a motion that the LSPMB request from state board of ethics to give formal opinion, **motion removed.**

For inquiries about financial disclosure form call 225-219-5600 ask for Tracy Walker. If you were on a board the day after July 1 2008 then you have to file.

IV. Oyster Development Account Balance

- a. Oyster Tag Sales
July to March 31 \$81,225
- b. LOTF Financial Report

V. Committee Reports

Finance- Meeting in the next 4-6 wks to finalize budget

Health- David Guilbeau

- a. Update on meeting held at request of taskforce to discuss putting WLF trip tickets with DHH time/temp log sheet. Draft form passed out at meeting. \$11,331 for 1,000 books. Discussion on trip ticket form sent back to committee.
- b. Washington State Health Dept harvest exemptions to be discussed during new business.
- c. New harvest tags for oysters harvested outside refrigeration requirements will be ready June 20th. The whole tag will be green.

Enforcement (Keith Lacaze)

- a. Seed ground permit appeal board appointments, deferred to WLF.
- b. Permit fees

Motion A-2 by Buddy Pausina to make all Louisiana non-resident fees the same as MS and Texas to \$1,800. Second by John Tesvich.

Mike Voisin made a substitute motion that it goes back to committee. Second by Dan Coulon.

Motion carries.

Motion B-1. Pausina made a motion to recommend to wildlife to replace lease acreage adversely affected by freshwater diversion with other acreage and advise the taskforce of any action required to accomplish this replacement. Second by Wilbert Collins. **Motion carries.**

Motion B-2 by Pausina to ask DWF to survey possible areas to use for lease replacement by bottom type and potential productivity. John Tesvich second. **Motion carries.**

Motion B-3 by Pausina to ask DWF to develop a pilot program to study the feasibility of this replacement concept. Peter Vujnovich second. **Motion carries.**

C-1 by Pausina to request that DWF and DNR develop policy to require a new biological survey to be made if permitted work does not begin within 6 months from the date leaseholder granted biologist permission to do the original lease survey. Second by Dan Coulon. **Motion carries.**

C-2 OTF should notify all leaseholders to include a HOLD HARMLESS clause in any permission granted to biologist for biological survey.

C-3 OTF should notify all leaseholders to require a fee to be paid at the granting of the biological survey permission. This fee is to be deducted from any settlement. OTF should determine a fair fee.

C-4 OTF should notify all leaseholders to have company include an estimated project start date and an estimated project end date in the permission for a biological survey and/or in any offers with respect to a project.

Motion C-5 by Pausina that OTF should develop a standard form for the purpose of recommendations C1, C2, C3, and C4. Second by Peter Vujnovich. **Motion carries.**

D- Designate certain areas of the public seed ground for bedding only. No recommendations- Addressed with the bill setting opening and closing seasons.

E1-Request DWF to rescind the non renewal policy of leases within public seed grounds.

E2-Request DWF to develop program to exchange non-renewing leases for other acreage.

E3- Look at original shoreline configuration and any red line adjustments. This type of lease (part of lease boundary borders a prior or present shoreline) should not fall within the non-renewal policy.

E4- Ask DWF to grandfather any lease within the red line area which pre-dated the establishment formal public seed ground designation.

E5- ID the exact red line and its present configuration

E6- Ask DWF to reinstate or substitute with other acreage any lease that has not been renewed under the non-renewal policy if the policy is rescinded or a substitute policy is put in place

E7- Ask DWF to put a temporary hold on the non renewal policy until the issue is resolved.

Motion by John Tesvich that OTF write letter to DWF to rescind non-renewal policy based on recommendations listed above. Wilbert Collins second. **Motion carries.**

Motion Management E1-OTF request from Sea Grant legal advice as to whether or not Biloxi Marsh Lands Corporation has:

- a. Legal right to harvest oysters from leased areas.
- b. A legal right to lease water bottoms
- c. A legal right to allow anyone to harvest oysters on the leased lands.

Mike Voisin second motion. **Motion carries.**

Motion Management E2

Pausina made motion to request DWF to renew expiring leases in the Biloxi Management Area using (1) year leases until the OTF has ample time to get proper legal advice on course of action. Motion Second by Mike Voisin. **Motion carries.**

Motion Management E3

Motion by Pausina to request to DWF if issue is resolved, have any non-renewed leases reinstated as the conditions of the resolution dictate. Peter Vujnovich second. **Motion carries.**

Motion F1

Request DWF to overlay LAT/LONG grid on its zone charts

F2-Request DHH to overlay LAT/LONG grid on its zone charts

F3-Request DWF Enforcement to provide OTF and any properly licensed harvester a copy of their LA/MISS boundary line.

Motion by Buddy Pausina to write letters on F1, F2 and F3 second by Mike Voisin. **Motion Carries.**

G1- Motion by Pausina to request DWF and OTF to work together to develop laws and/or rules which will preclude any vessel harvesting from the public seed grounds during the portion of open season for bedding only not to have sacks or containers which can contain oysters on board the vessel. Second by John Tesvich. **Motion Carries.**

G2- Motion by Pausina to request DWF and OTF to work together to develop laws and/or rules to make a determination that any oysters on board a vessel harvesting within a public seed

ground during bedding only portion of the open season shall be determined to have been taken from the public seed ground. Second by Dan Coulon. **Motion carries.**

G3-Motion by Pausina to request DWF and OTF work together to develop laws and/or rules to establish language to the affect that a vessel that is harvesting oysters during the bedding only portion of the open seas on a public seed ground shall not have a record of sale on that same day. Second by John Tesvich. **Motion carries.**

Chairman Al Sunseri directs the committee chairman, Buddy Pausina, to prepare all necessary letters and submit them to him for review.

Research (John Supan)-No Report

Motion by Peter Vujnovich to fund the annual dermo studies, second by Wilbert Collins. **Motion carries.**

Legal (Buddy)-No Report

Legislative Office (Mike Voisin) committee met over the last month. Four items to present, bills in packet.

House Bill No. 429- A bill that would provide a daily harvest limit in Calcasieu Lake. John Tesvich made a motion to support the bill and that Leo gets a representative to present it on behalf on OTF. Second by Peter Vujnovich.

Mike made a substitute motion that the taskforce not take a position on the legislation or ask anyone to introduce it. Second by Peter Vujnovich. **Motion carries.**

House Bill No. 428- Legislation to allow the purchasing of commercial licenses with business checks and credit cards. Motion to support bill made by Mike Voisin. Second by Wilbert Collins. Motion carries. Al Sunseri will contact a legislator to try and get bill in.

House Bill No. 425-adds a member from the Louisiana Oystermen's Association, representing Plaquemines Parish to be added to the Oyster Task Force. Motion made by John second by Wilbert. John Tesvich will try and get someone to introduce it. **Motion carries.**

House Bill No. 427- Would require the Wildlife and Fisheries Commission to consult with the Louisiana Oyster Task Force when closing all or a portion of the natural reefs to harvest and to provide for related matters. John Tesvich made a motion to support the legislation. Second by Dan Coulon. The motion was withdrawn.

Coastal Restoration (Jerome Zeringue)

Oyster Resource Advisory Committee (Mike)

Marketing- Oysters Jubilee

VI. Old Business

A.

B. Health and Hospitals

- a. Oyster Relay Report-18 applicants and 35 boats that participated in the transplant
- b. 1-800-256-2775, all closures and openings will be available by calling the hotline. Further discussion on messages was discussed and moved to health committee.
- c. Shoreline survey on Louisiana side, still waiting for survey on Texas side.

C. Dept of Wildlife and Fisheries

- a. Overview of cultch planting and details. Five plantings in total.

Mike made motion to have authorize signing of letter to support habitat restoration stimulus funding

- b. May 4 or 5 is the first hearing date where they will hear actual appeal requests.
- c. A little over 2/3 way through program in terms of money spent. Program ends on June 30. Over 8 million of 12 million has been paid out to lease holders.
- d. Special Committee Meeting on April 16 at 2 in Baton Rouge.
- e. 13 million reprogrammed funds will be split 50/50 between fishermen and dealers and those mail outs will go out in April. Information and details for other funds from Gustav/Ike are most likely going to be mailed out in June/July. It is a grant/reimbursement program.

VI. New Business:

- a. Ewell Smith briefed group on travel policies.

- d. John Tesvich made a motion to have the issue of requiring oyster harvesters being required to sign trip tickets be sent to a joint meeting of the wildlife fisheries, health and research committees. Also to have Sea Grant/extension begin developing a continuing education program for oyster harvesters and dealers that would include filling out health log forms and trip tickets, harvest and refrigeration requirements, etc.. Seconded by Wilson Voisin. **Motion carries.**

- e. Peter Vujnovich made a motion to support a law change in this coming legislative session that would allow for exemptions to the NSSP's *Vp* and *Vv* Management Plan's for

oysters as well as the DHH rules for those dealers and harvesters who have had no epidemiologically associated illness linked back to them for the past 10 years. Wilbert Collins second. **Motion carries.**

- f. Wilson Voisin motion for Mike to travel to NFI meeting and John Tesvich seconded.
Motion carries

May 12, 1 p.m. Tuesday next meeting.

John Tesvich motioned to adjourn, Wilbert Collins second. **Motion carries.**

HLS 09RS-1072

Regular Session, 2009

HOUSE BILL NO. 298

BY REPRESENTATIVE BALDONE

FISHING/COMMERCIAL: Reduces the cost of commercial fishing and dealers licenses

AN ACT

1
2 To amend and reenact R.S. 56:303(B) and (F), 303.1.1(B), 303.6(A)(1), 304(B), 305(B),
3 306.2(A), and 307.1(A), relative to commercial fishing and dealers licenses; to
4 reduce the fees required to purchase such licenses; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:303(B) and (F), 303.1.1(B), 303.6(A)(1), 304(B), 305(B),
7 306.2(A), and 307.1(A) are hereby amended and reenacted to read as follows:

8 §303. Commercial fisherman's license; fees; place of purchase; information

9 * * *

10 B. The cost of the commercial fisherman's license is ~~fifty-five~~ twenty-seven
11 dollars and fifty cents for residents and four hundred sixty dollars for nonresidents.

12 * * *

13 F. A resident of this state who is seventy years of age or older may obtain a
14 senior commercial fishing license for an annual fee of ~~twenty ten~~ twenty dollars. The senior
15 commercial fishing license shall be valid from January first of each calendar year
16 until December thirty-first of the same calendar year. The license may be purchased
17 at any time for the current license year and may be purchased after November
18 fifteenth for the following license year. The license shall be in lieu of a commercial
19 fisherman's license required by this Section and shall also serve in lieu of any

1 commercial gear licenses that may be required by any activities engaged in by the
2 license holder.

3 * * *

4 §303.1.1. Fresh products license

5 * * *

6 B. The cost of a fresh products license shall be ~~twenty ten~~ twenty dollars for
7 residents and one hundred twenty dollars for nonresidents. The fresh products
8 license shall be valid for one year, beginning on January first of each calendar year
9 and expiring on December thirty-first of the same calendar year.

10 * * *

11 §303.6. Oyster harvester license

12 A.(1) Each captain of a vessel harvesting or possessing oysters in state
13 waters must purchase an oyster harvester license at a cost of ~~one hundred~~ fifty dollars
14 for residents and four hundred dollars for nonresidents.

15 * * *

16 §304. Vessel license; fees; place of purchase

17 * * *

18 B. The cost of the vessel license is ~~fifteen seven~~ seventeen dollars and fifty cents for
19 residents and sixty dollars for nonresidents.

20 * * *

21 §305. Commercial gear license; issuance to certain nonresidents prohibited;
22 moratorium on certain new gear licenses; renewals

23 * * *

24 B. Residents shall pay a commercial gear fee as follows:

25 (1) Butterfly nets: ~~twenty-five~~ twelve dollars and fifty cents for each
26 butterfly net.

27 (2) Crab traps: ~~thirty-five~~ seventeen dollars and fifty cents to use any legal
28 number of crab traps. An amount equal to five dollars from each commercial crab
29 trap gear license shall be credited to the Derelict Crab Trap Removal Program

1 Account as provided in R.S. 56:10(B)(13), and an amount equal to five dollars from
2 each commercial crab trap license shall be credited to the Crab Promotion and
3 Marketing Account as provided in R.S. 56:10(B)(1)(e). Any resident who holds a
4 senior commercial fishing license shall be exempt from the provisions of this
5 Paragraph.

6 (3) Oyster dredges: ~~twenty-five~~ twelve dollars and fifty cents for each
7 dredge.

8 (4) Gill nets:

9 (a) ~~Twenty-five~~ Twelve dollars and fifty cents to use any legal number of gill
10 nets in the freshwater areas of the state as defined in R.S. 56:322(A) and (B).

11 (c) ~~Two hundred fifty~~ One hundred twenty-five dollars per mullet strike net
12 that may only be used during the special mullet season defined in R.S. 56:333 or the
13 special spotted sea trout season defined in R.S. 56:325.3(C).

14 (d) ~~Two hundred fifty~~ One hundred twenty-five dollars per pompano strike
15 net that may only be used during the special pompano season defined in R.S.
16 56:325.4 and 406.

17 (e) All commercial gear licenses as provided for in Subparagraphs (b), (c),
18 and (d) of this Paragraph issued to all qualified nonresidents shall be one thousand
19 dollars.

20 (f) ~~Twenty-five~~ Twelve dollars and fifty cents to use one shad gill net
21 pursuant to R.S. 56:322.2. No person shall receive more than one such license per
22 year.

23 (5) Hoop nets: ~~twenty-five~~ twelve dollars and fifty cents to use any legal
24 number of hoop nets.

25 (6) Purse seines/menhaden seines: ~~five hundred fifty~~ two hundred fifty
26 dollars for each purse seine in use.

27 (7) Seines: ~~twenty-five~~ twelve dollars and fifty cents to use any legal number
28 of seines.

29 (8) Oyster tongs: ~~thirty~~ fifteen dollars for each oyster tong.

1 (9) Slat traps: ~~twenty-five~~ twelve dollars and fifty cents to use any legal
2 number of slat traps.

3 (10) Trammel nets: ~~twenty-five~~ twelve dollars and fifty cents to use any legal
4 number of trammel nets in the freshwater areas of the state as defined in R.S.
5 56:322(A) and (B).

6 (11) Trawls: ~~twenty-five~~ twelve dollars and fifty cents for each trawl, except
7 no fee is required for use of a test trawl, as defined by R.S. 56:495.1(A), when used
8 with another trawl for which the gear fee has been paid.

9 (12) Crawfish traps: ~~twenty-five~~ twelve dollars and fifty cents to use any
10 legal number of crawfish traps.

11 (13) Castnets with a radius in excess of eight feet six inches.

12 (14) Rod and reel: ~~two hundred fifty~~ one hundred twenty-five dollars to fish
13 in the saltwater areas of the state as defined in R.S. 56:322(A) and (B). The
14 department may issue a saltwater commercial rod and reel gear license to each
15 applicant only if the following conditions have been met:

16 (a) The applicant must provide positive proof that they held a valid
17 commercial gear license for gill nets during any two years of the years 1995, 1994,
18 and 1993.

19 (b) The applicant must provide positive proof, in the form of unamended
20 original state and federal income tax returns, including Schedule C of the federal
21 1040 form, submitted in accordance with procedures established by the commission,
22 that the applicant has derived more than fifty percent of his earned income from the
23 capture and sale of seafood species in at least two of the three years, 1995, 1994, or
24 1993.

25 (d) Each commercial rod and reel fisherman shall report his total monthly
26 commercial take to the department in accordance with the provisions of R.S. 56:345.

27 (15) Wire nets: ~~twenty-five~~ twelve dollars and fifty cents to use any legal
28 number of wire nets.

4 (17) ~~Twenty-five~~ Twelve dollars and fifty cents to use a freshwater shrimp
5 net in accordance with R.S. 56:501.

10 * * *

A.(1) The cost of the wholesale/retail seafood dealer's license is ~~two hundred~~
~~fifty~~ one hundred twenty-five dollars for residents and one thousand one hundred
 five dollars for nonresidents. Restaurants and retail grocers may sell native reptiles
 and amphibians for human consumption under the provisions of this Section.

19 * * *

A. The cost of a transport license is ~~thirty~~ fifteen dollars per vehicle and can only be purchased by a person holding a valid Louisiana commercial fisherman's license or valid Louisiana wholesale/retail dealer's license.

24 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB No. 298

Baldone

Abstract: Reduces the fees for all resident commercial fishing licenses.

Reduces the cost of resident commercial fishing and dealer licenses as follows:

	<u>From</u>	<u>To</u>
Commercial fisherman	\$ 55	\$ 27
Senior commercial fishing	\$ 20	\$ 10
Fresh products	\$ 20	\$ 10
Oyster harvester	\$100	\$ 50
Vessel license	\$100	\$ 50
Gear licenses:		
Butterfly nets	\$ 25	\$ 12.50
Crab traps	\$ 35	\$ 17.50
Oyster dredges	\$ 25	\$ 12.50
Gill nets	\$ 25	\$ 12.50
Mullet strike net	\$250	\$125
Pompano strike net	\$250	\$125
Shad gill net	\$ 25	\$ 12.50
Hoop nets	\$ 25	\$ 12.50
Purse/menhaden seines	\$500	\$250
Seines	\$ 25	\$ 12.50
Oyster tongs	\$ 30	\$ 15
Slat traps	\$ 25	\$ 12.50
Trammel nets	\$ 25	\$ 12.50
Trawls	\$ 25	\$ 12.50
Crawfish traps	\$ 25	\$ 12.50
Rod and reel	\$250	\$125
Wire nets	\$ 25	\$ 12.50
Shad seine	\$ 25	\$ 12.50
Freshwater shrimp net	\$ 25	\$ 12.50
Any other gear not listed	\$ 25	\$ 12.50
Wholesale/retail dealer's license	\$250	\$125
Retail dealer's license	\$105	\$ 52.50
Transport license	\$ 30	\$ 15

(Amends R.S. 56:303(B) and (F), 303.1.1(B), 303.6(A)(1), 304(B), 305(B), 306.2(A), and 307.1(A))

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HB No. 191

Dove

Abstract: Authorizes the use of a previously engaged biologist to conduct a biological survey on oyster beds under arbitration with the Oyster Lease Damage Evaluation Board.

Present law, relative to arbitrations by the Oyster Lease Damage Evaluation Board, requires the board to develop a list of qualified biologists to provide biological test data on oyster beds and grounds. Requires use of biologists from that list for arbitrations. Requires a regular rotation of the names on this list.

Proposed law retains the requirement for a list of qualified biologists and requires selection of a qualified biologist from that list. Further provides that unless a written objection is filed with the board by either party, if a qualified biologist was previously engaged to conduct a biological survey for the mineral activity subject to the requested arbitration, that same biologist may be used for the biological surveys needed by the arbitration.

(Amends R.S. 56:700.13(C))

Regular Session, 2009

HOUSE BILL NO. 542

BY REPRESENTATIVE LABRUZZO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/COMMERCIAL: Allows purchase of commercial licenses with credit cards and business checks

AN ACT

1
2 To enact R.S. 56:642(C), relative to certain commercial licenses and permits issued by the
3 Department of Wildlife and Fisheries; to provide for payment methods; to provide
4 for rules and regulations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 56:642(C) is hereby enacted to read as follows:

7 §642. Credit card or business check purchases

8 * * *

9 C. The department shall adopt rules and regulations authorizing the use of
10 a credit card or business check to purchase commercial licenses or permits and for
11 the purchase of oyster tags. The rules and regulations shall include the criteria the
12 purchaser and the credit card or business check shall meet in order to qualify for use.

DIGEST

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LaBruzzo

HB No. 542

Abstract: Allows for the purchase by credit card or business check of commercial licenses or permits and for purchase of oyster tags.

Present law authorizes the purchase of hunting, recreational fishing and recreational gear licenses, duck licenses, combination or universal licenses, and Wild Louisiana Stamps by use of a credit card. Provides that the department may make available a "900" number that

any purchaser may call in order to purchase such licenses by credit card. Allows the department to impose an additional fee for the use of a credit card to purchase the licenses.

Proposed law retains present law and adds the purchase by credit card or business check of commercial licenses or permits and the purchase of oyster tags. Requires DWF to adopt rules, which are to include criteria that must be met to qualify for the use of a credit card or business check to purchase commercial licenses or permits.

(Adds R.S. 56:642(C))

Regular Session, 2009

HOUSE BILL NO. 587

BY REPRESENTATIVE HARRISON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: Provides relative to the Oyster Seed Ground Vessel Permit

AN ACT

1
2 To amend and reenact R.S. 56:424.1(A) and 433.1(A) and (B) and to repeal R.S.
3 56:433.1(C), (D), and (E) and Sections 525, 527, and 529 of Chapter 5 of Part VII
4 of Title 76 of the Louisiana Administrative Code; relative to the Oyster Seed Ground
5 Vessel Permit; to repeal the requirements which must be met to qualify for the
6 permit; to provide penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:424.1(A) and 433.1(A) and (B) are hereby amended and
9 reenacted to read as follows:

10 §424.1. Illegal taking of oysters; penalties

11 A. In addition to the penalties contained in R.S. 56:424, 431, ~~or~~ 433, or
12 433.1, for any person convicted of a first offense for any violation of the provisions
13 of R.S. 56:424, 431, ~~or~~ 433, or 433.1, the court may order the offender, for one year
14 after the date of such conviction, to harvest oysters only from a vessel that employs
15 a vessel monitoring system. For any person convicted of a second offense of the
16 provisions of R.S. 56:424, 431, ~~or~~ 433, or 433.1, the court shall require the offender,
17 for three years after the date of such conviction, to harvest oysters only from a vessel
18 that employs a vessel monitoring system. For any person convicted of a third or
19 subsequent offense, the court shall require the offender, for ten years after the date

1 of such conviction, to harvest only from a vessel that employs a vessel monitoring
2 system.

3 * * *

4 §433.1. Oyster seed ground vessel permit; ~~Oyster Seed Ground Vessel Permit~~
5 ~~Appeals Board~~

6 A.(1) Any oysters taken from the public natural reefs or the oyster seed
7 grounds or reservations, except those in Calcasieu Lake or Sabine Lake, shall be
8 placed only on a vessel which has an oyster seed ground vessel permit issued
9 exclusively by the department pursuant to rules and regulations promulgated by the
10 commission. Such permit shall be issued in the name of the vessel owner and shall
11 identify the vessel permitted by including the state registration number or the United
12 States Coast Guard documented number. The permit shall identify the vessel that
13 may possess and transport oysters taken from the public natural reefs and oyster seed
14 grounds. The permit does not grant any rights to the oyster resource or any rights to
15 harvest oysters from the waters of the state and shall not be sold, exchanged, or
16 otherwise transferred. The permit is valid for one year, beginning on January first
17 of each calendar year and expiring on December thirty-first of the same calendar
18 year, and permit holders who hold a valid permit during the prior year may renew the
19 permit at any time of the year for the current license year and from November
20 fifteenth for the immediately following license year. The cost of the permit shall be
21 fifteen dollars for residents and sixty dollars for nonresidents.

22 (2) ~~Vessel owners, as listed in the official record of the department at the~~
23 ~~time of application, who meet the requirements of Subsection B of this Section shall~~
24 ~~have the right to submit to the department a new application for an oyster seed~~
25 ~~ground vessel permit. No new applications for such vessel permits shall be accepted~~
26 ~~after December 31, 2009.~~

27 (3) ~~The taking of~~ Taking oysters from the public natural reefs or the oyster
28 seed grounds or reservations without an oyster seed ground vessel permit shall be a

1 class two violation subject to the penalties provided in R.S. 56:32 and to the
2 requirements of R.S. 56:424.1.

3 B. ~~The following vessel owners, as listed in the official records of the~~
4 ~~department at the time of application for the permit or who can, at the time of~~
5 ~~application, demonstrate to the department that ownership of that vessel has~~
6 ~~transferred to them, shall be eligible to receive an oyster seed ground vessel permit:~~

7 (1) ~~Any person who owned a vessel that was licensed at any time during~~
8 ~~license years 2004, 2005, 2006, or before May 31 in license year 2007 and can~~
9 ~~demonstrate through trip ticket submissions that his vessel had oyster landings in the~~
10 ~~state of Louisiana between January 1, 2004, and May 31, 2007.~~

11 (2) ~~Any person who purchased or constructed a vessel and licensed that~~
12 ~~vessel in the state of Louisiana between January 1, 2004, and April 30, 2008, and~~
13 ~~who can demonstrate through trip ticket submissions that oysters were landed on that~~
14 ~~vessel in the state of Louisiana between the time of the vessel's purchase or~~
15 ~~construction and July 1, 2008.~~

16 (3) ~~Any person who can provide evidence that he has a vessel that is under~~
17 ~~construction in the state of Louisiana that is at least fifty percent complete on July~~
18 ~~1, 2008.~~

19 (1) A condition of the grant or issuance of an oyster seed ground vessel
20 permit shall be that in addition to the persons on board the vessel being responsible
21 for complying with statutory and regulatory provisions regarding the taking,
22 harvesting, reporting of oysters, and the taking and harvesting of oysters from the
23 public oyster seed grounds, the owner of the vessel shall be responsible for all
24 activities which take place on that vessel under the authority of the oyster seed
25 ground vessel permit. In addition to any consequences set forth for the individual
26 found in violation of a particular statute or regulation, the vessel owner shall also be
27 subject to the following oyster seed ground vessel permit suspensions:

28 (a) Upon an individual's conviction for violating statutory and regulatory
29 provisions regarding the taking, harvesting, reporting of oysters, and the taking and

1 harvesting of oysters from the public oyster seed grounds, the oyster seed ground
2 vessel permit for the vessel on which the violation took place shall be voided, and
3 the vessel owner shall be prohibited from applying for a new permit for a period of
4 six months from the date of conviction.

5 (b) Upon a second individual's conviction for violating statutory and
6 regulatory provisions regarding the taking, harvesting, reporting of oysters, and the
7 taking and harvesting of oysters from the public oyster seed grounds, the oyster seed
8 ground vessel permit for the vessel on which the violation took place shall be voided,
9 and the vessel owner shall be prohibited from applying for a new permit for a period
10 of one year from the date of conviction.

11 (c) Upon a third or subsequent individual's conviction for violating statutory
12 and regulatory provisions regarding the taking, harvesting, reporting of oysters, and
13 the taking and harvesting of oysters from the public oyster seed grounds, the oyster
14 seed ground vessel permit for the vessel on which the violation took place shall be
15 voided, and the vessel owner shall be prohibited from applying for a new permit for
16 a period of two years from the date of conviction.

17 (2) If there are three or more convictions within a single five-year period,
18 the oyster seed ground vessel permit shall be suspended permanently, and the vessel
19 owner shall not be eligible to apply for a new permit.

20 (3) In addition to the penalties contained in this Section, if any person is
21 convicted of harvesting oysters in violation of the provisions of this Section, the
22 vessel on which the violation occurred shall be required to employ a vessel
23 monitoring system at all times for one year after the date of such conviction for a
24 first violation. Upon a second conviction for a violation by any person on the same
25 vessel, the vessel shall be required to employ a vessel monitoring system at all times
26 for two years after the date of such conviction. Upon a third conviction for a
27 violation by any person on the same vessel, the vessel shall be required to employ
28 a vessel monitoring system at all times for three years after the date of conviction.

29 Section 2. R.S. 56:433.1(C),(D), and (E) are hereby repealed in their entirety.

- 1 Section 3. Sections 525, 527, and 529 of Chapter 5 of Part VII of Title 76 of the
2 Louisiana Administrative Code are hereby repealed in their entirety.
-

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HB No. 587

Abstract: Repeals eligibility requirements to qualify for the oyster seed ground vessel permit and provides penalties for violations.

Present law provides for the oyster seed ground vessel permit which allows the holder to harvest oysters from the public seed grounds. Provides that in order to qualify to submit an application for such permit, the vessel owner must demonstrate to the Dept. of Wildlife and Fisheries that they (1) owned a vessel during license years 2004, 2005, 2006, or before May 31, 2007, and have trip tickets that demonstrate that vessel had oyster landings between Jan. 1, 2004, and May 31, 2007; or (2) purchased or constructed a vessel and licensed that vessel between Jan. 1, 2004, and April 30, 2008, and have trip tickets that demonstrate that vessel had oyster landings between the date of purchase or construction and July 1, 2008; or (3) can demonstrate that he has a vessel under construction that is at least 50% complete on July 1, 2008.

Proposed law repeals these qualifying requirements.

Proposed law further provides that a condition of the issuance of an oyster seed ground vessel permit is that the owner of the vessel (and holder of the permit) is responsible to the same degree and subject to the same penalties for any violations of oyster laws that are committed by an individual on that vessel. Provides that oyster harvest violations are subject to both the existing statutory penalties and suspension of the seed ground vessel permit for six months for a first conviction, one year for the second conviction, and two years for the third or subsequent conviction. Provides that if there are five or more convictions within a five-year period, the permit shall be permanently suspended, and the vessel owner shall not be eligible to apply for a new permit. Further requires use of a vessel monitoring system for an individual and the vessel owner upon conviction of oyster harvest violations. Such use shall be for one year for the first conviction, two years for the second conviction, and three years for a third conviction.

(Amends R.S. 56:424.1(A) and 433.1(A) and (B); Repeals R.S. 56:433.1(C), (D), and (E))

Regular Session, 2009

HOUSE BILL NO. 702

BY REPRESENTATIVE DOVE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COASTAL RES/WETLANDS: Exempts concrete mat coverings of pipelines from the requirement for a coastal use permit

AN ACT

1
2 To enact R.S. 49:214.34(A)(11), relative to activities not requiring a coastal use permit; to
3 provide that the use of articulated concrete mats to protect certain pipelines shall not
4 require a coastal use permit; to provide stipulation for the use of such mats; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:214.34(A)(11) is hereby enacted to read as follows:

8 §214.34. Activities not requiring a coastal use permit

9 A. The following activities shall not require a coastal use permit.

10 * * *

11 (11) Installation and use of articulated concrete mats in water depths of more
12 than four feet to protect shallow or exposed pipelines or pipelines covered by less
13 than three feet of sediment, including any activity necessary to bury the edges of the
14 mats below the mudline. Articulated concrete mats shall not be installed adjacent
15 to beach approaches. Articulated concrete mats shall be tagged with the owner's
16 name and contact information. The mats shall not extend more than eighteen inches
17 above the water bottom and shall extend outward on each side of the pipeline a
18 sufficient distance to allow the edges of the mat to be buried at least eighteen inches
19 below the mudline. If multiple mats are used, the mats shall be tied together to form
20 a single unit and each section shall be tagged with the owner's name and contact

1 information. The unit shall be maintained as a single structure. Mats shall be
2 monitored in a manner delineated by the division of pipeline safety of the
3 Department of Natural Resources in accordance with state and federal pipeline safety
4 regulations and shall be removed by the owner if they become a hazard to
5 navigation, or are no longer performing the role for which they were installed, or if
6 it is determined they are causing secondary impacts to wetlands, water bottoms, or
7 adjacent shorelines. The owner shall provide appropriate mitigation, as determined
8 by the office of coastal management, for any damage caused to wetlands, water
9 bottoms, or adjacent shorelines and for any damages to oyster leases. The owner of
10 the mat shall hold the state of Louisiana harmless from any damage to persons or
11 property which might result from the installation of the mats, or their presence on or
12 subsequent removal from the water bottom. Prior to installation of a mat,
13 notification shall be made by the owner of the pipeline to the United States Coast
14 Guard, the Underwater Obstruction Removal Program in the Department of Natural
15 Resources, office of conservation, and the marine fisheries section in the Department
16 of Wildlife and Fisheries, office of fisheries, and to oyster leaseholders of state water
17 bottoms which might be impacted by the installation or use of the mat. The
18 notification shall include the global position system coordinates of the mat
19 installation site. Upon abandonment of the pipeline, the owner shall remove the mats
20 in their entirety.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Dove

HB No. 702

Abstract: Exempts from the requirement of a coastal use permit the use of articulated concrete mats to cover shallow or exposed pipelines of water bottoms.

Present law requires coastal use permits for any activities in the coastal zone.

Proposed law exempts from the requirement for a coastal use permit the use of articulated concrete mats to cover shallow or exposed pipelines. Includes in the exemption, activity

necessary to bury the edges of the mats below the mudline. Prohibits the use of concrete mats adjacent to beach approaches. Requires that the mats be tagged with the owner's name and contact information.

Proposed law limits the mats to a height of 18 inches above the water bottom and requires the mat to extend outward on each side of the pipeline a sufficient distance to allow the edges of the mat to be buried at least 18 inches below the mudline. Requires multiple mats to be tied together as a single unit and requires each section to be tagged with the owner's name and contact information. Requires the mats to be monitored in accordance with state and federal pipeline safety regulations and requires the mats to be removed if they become a hazard to navigation, are no longer performing the role for which they were installed, or if they are causing secondary impacts to wetlands, water bottoms, or adjacent shorelines.

Proposed law requires the owner of the concrete mats to provide appropriate mitigation, as determined by the office of coastal management of Dept. of Natural Resources, for any damage caused to wetlands, water bottoms, or adjacent shorelines, and for any damages to oyster leases. Provides that the state shall be held harmless for any damages.

Proposed law requires that prior to installation the owner must notify the US Coast Guard, the Underwater Obstruction Removal Program in DNR, the marine fisheries section of the Dept. of Wildlife and Fisheries, and any oyster leaseholders who might be impacted by the installation and use of articulated concrete mats. Such notification shall include GPS coordinates of the mat installation site.

Proposed law requires removal of the concrete mats upon abandonment of the pipeline.

(Adds R.S. 49:214.34(A)(11))

Regular Session, 2009

HOUSE BILL NO. 390

BY REPRESENTATIVE HENDERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC HEALTH: Authorizes certain exemptions from certain National Shellfish Sanitation Program management programs

AN ACT

1
2 To enact R.S. 40:5.3.1, relative to molluscan shellfish sanitation requirements; to authorize
3 the Department of Health and Hospitals to grant exemptions from certain of the
4 molluscan shellfish sanitation requirements; and to provide for related matters.
5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:5.3.1 is hereby enacted to read as follows:

7 §5.3.1. Exemptions

8 The Department of Health and Hospitals, in consultation with the Department
9 of Wildlife and Fisheries, may annually grant an exemption from the National
10 Shellfish Sanitation Program's *Vibrio parahaemolyticus* and *Vibrio vulnificus*
11 management plans to licensed oyster harvesters and certified oyster dealers if the
12 licensed oyster harvester or the certified oyster dealer has not been epidemiologically
13 linked to a *Vibrio parahaemolyticus* or *Vibrio vulnificus* oyster related illness.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Henderson

HB No. 390

Abstract: Authorizes an exemption for licensed oyster harvesters and certified oyster dealers from the National Shellfish Sanitation Program's management plans.

Present law charges the DHH with implementation of the shellfish sanitation program for the state of La. Provides the details of that plan.

Proposed law authorizes DHH, in consultation with the Dept. of Wildlife and Fisheries, to annually grant an exemption from the National Shellfish Sanitation Program's *Vibrio parahaemolyticus* and *Vibrio vulnificus* management plans to licensed oyster harvesters and certified oyster dealers if the harvester or the dealer has not been epidemiologically linked to a *V.p.* or *V.v.* oyster-related illness.

(Adds R.S. 40:5.3.1)

Regular Session, 2009

SENATE BILL NO. 300

BY SENATOR MICHOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FUNDS/FUNDING. Provides for the transfer, deposit and use of certain state funds. (See Act)

AN ACT

- 1
- 2 To amend and reenact R.S. 51:2365(F), relative to state funds; to provide for the transfer,
- 3 deposit and use of certain state funds; to provide for the definition of a mega-project
- 4 for purposes of the Louisiana Mega-Project Development Fund; to provide for an
- 5 effective date; and to provide for related matters.
- 6 Be it enacted by the Legislature of Louisiana:
- 7 Section 1.A. Notwithstanding any provision of law to the contrary and specifically
- 8 notwithstanding the provisions of R.S. 39:87.5, the state treasurer is hereby authorized and
- 9 directed to transfer Three Million Dollars from the Incentive Fund to be deposited in and
- 10 credited to the state general fund.
- 11 B. Notwithstanding any provision of law to the contrary and specifically
- 12 notwithstanding the provisions of R.S. 39:211(D), the state treasurer is hereby authorized
- 13 and directed to transfer from the Louisiana Technology Innovations Fund receipts of Four
- 14 Hundred Eight Thousand Four Hundred Eighty-four Dollars to the Overcollections Fund to
- 15 be appropriated and used for purposes of the fund.
- 16 C. The state treasurer is hereby authorized and directed to transfer from the state
- 17 general fund from funds received as a result of the American Recovery and Reinvestment

1 Act of 2009 receipts of Three Hundred Forty-four Million Five Hundred Thousand Dollars
2 to be deposited in and credited to the Louisiana Medical Assistance Trust Fund to be
3 appropriated and used for purposes of the fund.

4 D. Notwithstanding the provisions of R.S. 51:2361(A)(2) relative to the
5 unencumbered balance in the Rapid Response Fund, the state treasurer shall transfer Ten
6 Million Dollars from the state general fund for deposit into the fund.

7 Section 2. In accordance with the Deficit Reduction Plan authorized by R.S.
8 39:75(C) and implemented and approved by the governor in issuing Executive Order No. BJ
9 2008-114 and by action of the Joint Legislative Committee on the Budget on January 9,
10 2009, the state treasurer is authorized and directed to transfer from the following funds and
11 in the amounts specified Twenty-four Million Three Hundred Seventy-eight Thousand Fifty-
12 six Dollars to the state general fund:

13	DNA Testing Post-Conviction Relief for Indigents	\$ 1,500
14	State Parks Improvement and Repair Fund	\$ 332,673
15	Poverty Point Reservoir Development Fund	\$ 47,500
16	Audubon Golf Trail Development Fund	\$ 2,500
17	Higher Education Initiatives Fund	\$ 15,625
18	Louisiana Charter School Startup Loan Fund	\$ 33,861
19	Louisiana Technology Innovations Fund	\$ 30,633
20	St. Landry Parish Excellence Fund	\$ 32,750
21	Calcasieu Parish Fund	\$ 30,000
22	Tobacco Tax Health Care Fund	\$ 528,245
23	Bossier Parish Truancy Fund	\$ 38,500
24	Louisiana Economic Development Fund	\$ 149,682
25	Small Business Surety Bonding Fund	\$ 297,869
26	Entertainment Promotion and Marketing Fund	\$ 8,223
27	Marketing Fund	\$ 118,273
28	Rapid Response Fund	\$2,354,994
29	Video Draw Poker Device Fund	\$2,341,787

1	Video Draw Poker Purse Supplemental Fund	\$ 176,329
2	Pari-mutuel Live Racing Fac. Gaming Control Fund	\$ 127,437
3	Beautification/Improvement New Orleans City Park	\$ 10,000
4	Algiers Economic Development Foundation Fund	\$ 5,000
5	2 Percent Fire Insurance Fund	\$ 27,800
6	Administrative Fund-Department of Insurance	\$ 32,663
7	Department of Justice Legal Support Fund	\$ 60,319
8	Department of Justice Debt Collection Fund	\$ 41,235
9	Greater New Orleans Expressway Commission	\$ 1,800
10	Office of Workers' Compensation Administration	\$ 671,732
11	Labor-Incumbent Worker Training Account	\$2,387,671
12	Employment Security Administration Account	\$ 271,138
13	Labor - Penalty and Interest Account	\$ 134,889
14	Oilfield Site Restoration Fund	\$ 277,388
15	Mineral Resource Operation Fund	\$ 561,095
16	Oil and Gas Regulatory Fund	\$ 487,957
17	Louisiana Fire Marshal Fund	\$ 454,356
18	Motorcycle Safety & Training	\$ 6,544
19	P.S. DWI Test Maintenance & Training	\$ 30,247
20	Concealed Handgun Permit Fund	\$ 17,655
21	Right to Know Fund	\$ 4,559
22	LPG Rainy Day Fund	\$ 39,714
23	Explosives Trust Fund	\$ 5,790
24	OMV Customer Service Technology	\$ 564,993
25	LA Life Safety & Property Protection Trust Fund	\$ 27,335
26	Oyster Sanitation Fund	\$ 2,525
27	Keep Louisiana Beautiful Fund	\$ 100
28	Indigent Parent Representation Program Fund	\$ 38,200
29	Incentive Fund	\$ 50,000

1	Evangeline Parish Rec. District Support Fund	\$ 12,500
2	Shreveport Riverside Convention Center Indep.	\$ 5,810
3	Oil Spill Contingency Fund	\$ 209,752
4	Drug Abuse Education & Treatment Fund	\$ 38,760
5	Louisiana Environmental Education Fund	\$ 45,987
6	Louisiana Manufactured Housing Commission	\$ 30,966
7	Overcollections Fund	\$5,330,832
8	Louisiana Public Defender Fund	\$1,443,029
9	Community Water Enrichment Fund	\$ 500,000
10	Conservation Fund	\$3,169,639
11	Seafood Promotion and Marketing Fund	\$ 18,399
12	Fur & Alligator Education-Marketing	\$ 5,000
13	Wildlife Habitat & Natural Heritage	\$ 65,014
14	LA Duck License Stamp and Print Fund	\$ 21,825
15	Louisiana Alligator Resource Fund	\$ 100,821
16	Natural Heritage Account	\$ 1,800
17	Reptile & Amphibian Research	\$ 380
18	Louisiana Wild Turkey Stamp Fund	\$ 3,743
19	Oyster Development Fund	\$ 9,185
20	Shrimp Marketing & Promotion Account	\$ 9,256
21	Conservation of the Black Bear Account	\$ 2,180
22	Public Oyster Seed Ground Development Account	\$ 26,000
23	Shrimp Trade Petition Account	\$ 13,400
24	Crab Promotion and Marketing Account	\$ 250
25	Derelict Crab Trap Removal Program Account	\$ 1,981
26	Motor Carrier Regulation Fund	\$ 41,592
27	Utility & Carrier Inspection/Supervision Fund	\$ 364,080
28	Telephonic Solicitation Relief Fund	\$ 16,319
29	Education Excellence Fund	\$ 8,470

1 Section 3. R.S. 51:2365(F) is hereby amended and reenacted to read as follows:

2 §2365. Louisiana Mega-Project Development Fund

3 * * *

4 F.(1)(a) For purposes of this Section, "mega-project" means ~~any project~~
5 ~~which will provide all of the following:~~

6 (a) A project which will provide the following:

7 (i) Five hundred new direct jobs to the state, ~~or a:~~

8 ~~(ii) A~~ minimum initial investment of ~~one~~ five hundred million dollars by the
9 private sector or the United States Government through the creation of a new facility
10 or the expansion of an existing facility.

11 ~~(iii)~~ (ii) A substantial return on the investment by the state as measured by
12 projected tax revenues.

13 (b) ~~"Mega-project" shall also mean any~~ A project for a military or federal
14 installation which is important to the Louisiana economy and that may be subject to
15 base realignment and closure, ~~or for the~~ and purchase of land for a mega-project.

16 ~~(c) Notwithstanding the provisions of Subsections D and E of this Section;~~
17 ~~for Fiscal Year 2008-2009, the monies in the fund may be used to provide a one-time~~
18 ~~salary supplement for all school support personnel and nonpublic lunchroom~~
19 ~~employees eligible for state salary supplements in accordance with House Bill No.~~
20 ~~1 of the 2008 Regular Session* of the Legislature. Notwithstanding the provisions~~
21 ~~of this Section, no additional approvals are necessary for the payment of the one-time~~
22 ~~salary supplement.~~

23 (c) A project resulting in re-creating or saving at least five hundred
24 direct jobs, through the transfer of ownership of a facility that has been closed
25 or is at risk of closure due to conditions arising out of or relative to a proceeding
26 under Title 11 of the United States Code.

27 (2) The investment by the state in any mega-project shall not exceed thirty
28 percent of the total cost of the project as described by the cooperative endeavor
29 agreement.

1 Section 4. The provisions of Section 1(A) and (D) of this Act shall become effective
2 on July 1, 2009. If vetoed by the governor and subsequently approved by the legislature,
3 Sections 1(A) and (D) shall become effective on July 1, 2009.

4 Section 5. The provisions of this Section and Sections 1(B) and (C), 2, 3 and 4 of
5 this Act shall become effective upon signature by the governor or, if not signed by the
6 governor, upon expiration of the time for bills to become law without signature by the
7 governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed
8 by the governor and subsequently approved by the legislature, the provisions of this Section
9 and Sections 1(B) and (C), 2, 3 and 4 shall become effective on the day following such
10 approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Martha S. Hess.

DIGEST

Proposed law authorizes and directs the state treasurer to transfer state general fund receipts into certain funds for appropriation and use as provided for in present law with respect to the individual funds.

Proposed law authorizes and directs the state treasurer to transfer receipts out of certain funds into certain funds for appropriation and use as provided in present law with respect to the individual funds.

Proposed law further authorizes and directs the state treasurer to transfer receipts out of certain funds into the state general fund in accordance with the Deficit Reduction Plan implemented and approved by the governor in issuing Executive Order No. BJ 2008-114 and by action of the Joint Legislative Committee on the Budget on January 5, 2009.

Present law defines a mega-project for purposes of the Louisiana Mega-Project Development Fund as any project which will provide all of the following:

- (i) Five hundred new direct jobs to the state.
- (ii) A minimum initial investment of one hundred million dollars by the private sector or the United States Government through the creation of a new facility or the expansion of an existing facility.
- (iii) A substantial return on the investment by the state as measured by projected tax revenues.

Present law further defines a "mega-project" to also mean any project for a military or federal installation which is important to the Louisiana economy and that may be subject to base realignment and closure and purchase of land for a mega-project.

Present law also provides that for Fiscal Year 2008-2009, the monies in the fund may be used to provide a one-time salary supplement for all school support personnel and nonpublic lunchroom employees eligible for state salary supplements in accordance with Act 19 of

2008 R.S.

Proposed law revises the definition of "mega-project" to mean:

- (a) A project which will provide the following:
 - (i) Five hundred new direct jobs to the state, or a minimum initial investment of \$500,000,000 by the private sector or the U.S. Government through the creation of a new facility or the expansion of an existing facility.
 - (ii) A substantial return on the investment by the state as measured by projected tax revenues.
- (b) A project for a military or federal installation which is important to the Louisiana economy and that may be subject to base realignment and closure, or for the purchase of land for a mega-project.
- (c) A project resulting in re-creating or saving at least five hundred direct jobs, through the transfer of ownership of a facility that has been closed or is at risk of closure due to conditions arising out of or relative to a proceeding under Title 11 of the United States Code.

Present law provides that the investment by the state in any mega-project shall not exceed 30% of the total cost of the project.

Proposed law provides that the investment by the state in any mega-project shall not exceed 30% of the total cost of the project as described by the cooperative endeavor agreement.

Proposed law removes provision that, for FY 2007-2008, allowed the Louisiana Mega-Project Development Fund to be used for a one-time salary supplement for all school support personnel and nonpublic lunchroom employees eligible for state salary supplements in accordance with Act 19 of 2008 R.S.

Section 1(A) and (D) are effective on July 1, 2009. Sections 1(B) and (C), 2, 3, 4 and 5 are effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 51:2365(F))

Regular Session, 2009

HOUSE BILL NO. 802

BY REPRESENTATIVE FANNIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FUNDS/FUNDING: Provides for the transfer and deposit of monies among state funds

AN ACT

1
2 To amend and reenact R.S. 51:2365(F), relative to state funds; to provide for the purposes
3 of the Louisiana Mega-Project Development Fund; provide for the transfer,
4 dedication, use, and appropriation as specified of certain treasury funds; to provide
5 for effective dates; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 51:2365(F) is hereby amended and reenacted to read as follows:

8 §2365. Louisiana Mega-Project Development Fund

9 * * *

10 F.(1)(~~a~~) For purposes of this Section, "mega-project" means ~~any project~~
11 ~~which will provide all of the following:~~

12 (a) A project which will provide the following:

13 (i) Five hundred new direct jobs to the state;

14 (ii) ~~A~~ or a minimum initial investment of ~~one~~ five hundred million dollars
15 by the private sector or the United States Government through the creation of a new
16 facility or the expansion of an existing facility.

17 ~~(iii)~~ (ii) A substantial return on the investment by the state as measured by
18 projected tax revenues.

1 (b) ~~"Mega-project"~~ shall also mean any A project for a military or federal
2 installation which is important to the Louisiana economy and that may be subject to
3 base realignment and closure, ~~and or for the purchase of land for a mega-project.~~

4 (c) ~~Notwithstanding the provisions of Subsections D and E of this Section:~~
5 ~~for Fiscal Year 2008-2009, the monies in the fund may be used to provide a one-time~~
6 ~~salary supplement for all school support personnel and nonpublic lunchroom~~
7 ~~employees eligible for state salary supplements in accordance with House Bill No.~~
8 ~~1 of the 2008 Regular Session of the Legislature. Notwithstanding the provisions of~~
9 ~~this Section, no additional approvals are necessary for the payment of the one-time~~
10 ~~salary supplement.~~

11 (c) A project resulting in re-creating or saving at least five hundred direct
12 jobs, through the transfer of ownership of a facility that has been closed or is at the
13 risk of closure due to conditions arising out of or relating to a proceeding under Title
14 11 of the United States Code.

15 (2) The investment by the state in any mega-project shall not exceed thirty
16 percent of the total cost of the project as described in the cooperative endeavor
17 agreement.

18 Section 2. The state treasurer is hereby authorized and directed to transfer Three
19 Million Dollars from the Incentive Fund to be deposited to and credited in the state general
20 fund.

21 Section 3. In accordance with the Deficit Reduction Plan authorized by R. S. 39:75
22 (C) and implemented and approved by the governor in issuing Executive Order No. BJ
23 2008-114 and by action of the Joint Legislative Committee on the Budget on January 9,
24 2009, the state treasurer is authorized and directed to transfer from the following funds and
25 in the amounts specified Twenty-four Million Three Hundred Seventy-eight Thousand Fifty-
26 six Dollars to the state general fund:

27 (1) One Thousand Five Hundred dollars from the DNA Testing Post-Conviction
28 Relief for Indigents Fund.

- 1 (2) Three Hundred Thirty Two Thousand Six Hundred Seventy-three Dollars from
2 the State Parks Improvement and Repair Fund.
- 3 (3) Forty-seven Thousand Five Hundred Dollars from the Poverty Point Reservoir
4 Development Fund.
- 5 (4) Two Thousand Five Hundred Dollars from the Audubon Golf Trail Development
6 Fund.
- 7 (5) Fifteen Thousand Six Hundred Twenty-Five Dollars from the Higher Education
8 Initiatives Fund.
- 9 (6) Thirty-three Thousand Eight Hundred Sixty-one Dollars from the Louisiana
10 Charter School Startup Loan Fund.
- 11 (7) Thirty Thousand Six Hundred Thirty-three Dollars from the from the Louisiana
12 Technology Innovations Fund.
- 13 (8) Thirty-two Thousand Seven Hundred Fifty Dollars from the St. Landry Parish
14 Excellence Fund.
- 15 (9) Thirty Thousand Dollars from the Calcasieu Parish Fund.
- 16 (10) Five Hundred Twenty-Eight Thousand Two Hundred Forty Five Dollars from
17 the Tobacco Tax Health Care Fund.
- 18 (11) Thirty Eight Thousand Five Hundred Dollars from the Bossier Parish Truancy
19 Fund.
- 20 (12) One Hundred Forty-nine Thousand Six Hundred Eighty-two Thousand Dollars
21 from the Louisiana Economic Development Fund.
- 22 (13) Two hundred Ninety-seven Thousand Eight Hundred Sixty-nine dollars from
23 the Small Business Surety Bonding Fund.
- 24 (14) Eight Thousand Two Hundred Twenty-three Dollars from the Entertainment
25 Promotion and Marketing Fund.
- 26 (15) One Hundred Eighteen Thousand Two Hundred Seventy-three Dollars from the
27 Marketing Fund.
- 28 (16) Two Million Three Hundred Fifty-four Thousand Nine Hundred Ninety-four
29 Dollars from the Rapid Response Fund.

- 1 (17) Two Million Three Hundred Forty-one Thousand Seven Hundred Eighty-seven
2 Dollars from the Video Draw Poker Device Fund.
- 3 (18) One Hundred Seventy-six Thousand Three Hundred Twenty-nine Dollars from
4 the Video Draw Poker Purse Supplemental Fund.
- 5 (19) One Hundred Twenty-seven Thousand Four Hundred Thirty-seven Dollars from
6 the Pari-mutuel Racing Facility Gaming Control Fund.
- 7 (20) Ten Thousand Dollars from the Beautification/Improvement New Orleans City
8 Park Fund.
- 9 (21) Five Thousand Dollars from the Algiers Economic Development Foundation
10 Fund.
- 11 (22) Twenty-seven Thousand Eight Hundred Dollars from the 2 Percent Fire
12 Insurance Fund.
- 13 (23) Thirty-two Thousand Six Hundred Sixty-three Dollars from the Administrative
14 Fund - Department of Insurance.
- 15 (24) Sixty Thousand Three Hundred Nineteen Dollars from the Department of
16 Justice of Legal Support Fund.
- 17 (25) Forty-one Thousand Two Hundred Thirty-five Dollars from the Department of
18 Justice Debt Collection Fund.
- 19 (26) One Thousand Eight hundred Dollars from the Greater New Orleans
20 Expressway Commission.
- 21 (27) Six Hundred Seventy-one Thousand Seven Hundred Thirty-two Dollars from
22 the Office of Workers' Compensation Administration.
- 23 (28) Two Million Three Hundred Eighty-seven Thousand Six Hundred Seventy-one
24 Dollars from the Labor-Incumbent Worker Training Account.
- 25 (29) Two Hundred Seventy-one Thousand One Hundred Thirty-eight Dollars from
26 the Employment Security Administration Account.
- 27 (30) One Hundred Thirty-four Thousand Eight Hundred Eighty-nine Dollars from
28 the Labor - Penalty and Interest Account.

- 1 (31) Two Hundred Seventy-seven Thousand Three Hundred Eighty-eight Dollars
2 from the Oilfield Site Restoration Fund.
- 3 (32) Five Hundred Sixty-one Thousand Ninety-five Dollars from the Mineral
4 Resource Operation Fund.
- 5 (33) Four Hundred Eighty-seven Thousand Nine Hundred Fifty-seven Dollars from
6 the Oil and Gas Regulatory Fund.
- 7 (34) Four Hundred Fifty-four Thousand Three Hundred Fifty-six Dollars from the
8 Louisiana Fire Marshal Fund.
- 9 (35) Six Thousand Five Hundred Forty-four Dollars from the Motorcycle Safety and
10 Training Fund.
- 11 (36) Thirty Thousand Two Hundred Forty-seven Dollars from the Public Safety
12 DWI Testing, Maintenance and Training Fund.
- 13 (37) Seventeen Thousand Six Hundred Fifty-five Dollars from the Concealed
14 Handgun Permit Fund.
- 15 (38) Four Thousand Five Hundred Fifty-nine Dollars from the Right to Know Fund.
- 16 (39) Thirty-nine Thousand Seven Hundred Fourteen Dollars from the Liquefied
17 Petroleum Gas Commission Rainy Day Fund.
- 18 (40) Five Thousand Seven Hundred Ninety Dollars from the Explosives Trust Fund.
- 19 (41) Five Hundred Sixty-four Thousand Nine Hundred Ninety-three Dollars from
20 the Office of Motor Vehicle Customer Service and Technology Fund.
- 21 (42) Twenty-seven Thousand Three Hundred Thirty-five Dollars from the Louisiana
22 Life Safety and Property Protection Trust Fund.
- 23 (43) Two Thousand Five Hundred Twenty-five Dollars from the Oyster Sanitation
24 Fund.
- 25 (44) One Hundred Dollars from the Keep Louisiana Beautiful Fund.
- 26 (45) Thirty-eight Thousand Two Hundred Dollars from the Indigent Parent
27 Representation Program Fund.
- 28 (46) Fifty Thousand Dollars from the Incentive Fund.

- 1 (47) Twelve Thousand Five Hundred Dollars from the Evangeline Parish
2 Recreational District Fund.
- 3 (48) Five Thousand Eight Hundred Ten Dollars from the Shreveport Riverfront and
4 Convention Center and Independence Stadium Fund.
- 5 (49) Two Hundred Nine Thousand Seven Hundred Fifty-two Dollars from the Oil
6 Spill Contingency Fund.
- 7 (50) Thirty-eight Thousand Seven Hundred Sixty Dollars from the Drug Abuse
8 Education and Treatment Fund.
- 9 (51) Forty-five Thousand Nine Hundred Eighty-seven Dollars from the Louisiana
10 Environmental Education Fund.
- 11 (52) Thirty Thousand Nine Hundred Sixty-six Dollars from the Louisiana
12 Manufactured Home Commission.
- 13 (53) Five Million Three Hundred thirty Thousand Eight Hundred Thirty-two Dollars
14 from the Overcollections Fund.
- 15 (54) One Million Four Hundred Forty-three Thousand Twenty-nine Dollars from the
16 Louisiana Public Defender Fund.
- 17 (55) Five Hundred Thousand Dollars from the Community Water Enrichment Fund.
- 18 (56) Three Million One Hundred Sixty-nine Thousand Six Hundred Thirty-nine
19 Dollars from the Conservation Fund.
- 20 (57) Eighteen Thousand Three Hundred Ninety-nine Dollars from the Seafood
21 Promotion and Marketing Fund.
- 22 (58) Five Thousand Dollars from the Fur and Alligator Education - Marketing Fund.
- 23 (59) Sixty-Five Thousand Fourteen Dollars from the Wildlife Habitat and Natural
24 Heritage
- 25 (60) Twenty-one Thousand Eight Hundred Twenty-five Dollars from the Louisiana
26 Duck License Stamp and Print Fund.
- 27 (61) One Hundred Thousand Eight Hundred Twenty-one Dollars from the Louisiana
28 Alligator Resource Fund.
- 29 (62) One Thousand Eight Hundred Dollars from the Natural Heritage Account.

- 1 (63) Three Hundred Eighty Dollars from the Louisiana Reptile/Amphibian Research
2 Fund.
3 (64) Three Thousand Seven Hundred Forty-three Dollars from the Louisiana Wild
4 Turkey Stamp Fund.
5 (65) Nine Thousand One Hundred Eighty-five Dollars from the Oyster Development
6 Fund.
7 (66) Nine Thousand Two Hundred Fifty-six Dollars from the Shrimp Marketing and
8 Promotion Account.
9 (67) Two Thousand One Hundred Eighty Dollars from the Conservation of the Black
10 Bear Account.
11 (68) Twenty-six Thousand Dollars from the Public Oyster Seed Ground
12 Development Account.
13 (69) Thirteen Thousand Four Hundred Dollars from the Shrimp Trade Petition
14 Account.
15 (70) Two Hundred Fifty Dollars from the Crab Promotion and Marketing Account.
16 (71) One Thousand Nine Hundred Eighty-one Dollars from the Derelict Crab Trap
17 Removal Program Account.
18 (72) Forty-one Thousand Five Hundred Ninety-two Dollars from the Motor Carrier
19 Regulation Fund.
20 (73) Three Hundred Sixty-four Thousand Eighty Dollars from the Utility and Carrier
21 Inspection/Supervision Fund.
22 (74) Sixteen Thousand Three Hundred Nineteen Dollars from the Telephonic
23 Solicitation Relief Fund.
24 (75) Eight Thousand Four Hundred Seventy Dollars from the Education Excellence
25 Fund.
26 Section 4. Notwithstanding any provision of law to the contrary, the state treasurer
27 is authorized and directed to transfer Four Hundred Eight Thousand Four Hundred Eighty
28 Four Dollars from the Louisiana Technology Innovation Fund to the Overcollections Fund.

1 Section 5. The state treasurer is hereby authorized and directed to transfer from the
2 state general fund for Fiscal Year 2008-2009 receipts of Three Hundred Forty-four Million
3 Five Hundred Thousand Dollars to be deposited in and credited to the Louisiana Medical
4 Assistance Trust Fund.

5 Section 6. Notwithstanding any provision of law to the contrary, the state treasurer
6 shall not include unexpended and unencumbered monies in the Rapid Response Fund at the
7 end of the 2008-2009 Fiscal Year in the determination of the unencumbered balance of the
8 fund for purposes of determining the amount to be deposited into the fund at the beginning
9 of the fiscal year pursuant to R.S. 51:2361(A)(2).

10 Section 7. Sections 1, 3, 4, and 5 of this Act shall become effective upon signature
11 of this Act by the governor or, if not signed by the governor, upon expiration of the time for
12 bills to become law without signature by the governor, as provided by Article III, Section
13 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently
14 approved by the legislature, Sections 1, 3, 4, and 5 of this Act shall become effective on the
15 day following such approval.

16 Section 8. Sections 2 and 6 of this Act shall become effective on July 1, 2009; if
17 vetoed by the governor and subsequently approved by the legislature, Sections 2 and 6 of
18 this Act shall become effective on July 1, 2009, or on the day following such approval by
19 the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Fannin

HB No. 802

Abstract: Directs the state treasurer to transfer monies among funds within the state treasury and makes changes to the La. Mega-Project Development Fund.

Present law establishes the criteria for projects to be eligible for consideration for funding from the Mega-Project Economic Development Fund. Defines a "mega-project" as meeting all of the following criteria:

- (1) 500 new direct jobs to the state.
- (2) A minimum initial investment of \$100 million dollars by the private sector or the U.S. Government through the creation of a new facility or the expansion of an existing facility.

- (3) A substantial return on the investment by the state as measured by projected tax revenues.

Proposed law defines a "mega-project" as creating direct jobs or demonstrating a minimum initial investment. Increases the amount of the initial investment from \$100 million to \$500 million.

Present law additionally defines a "mega-project" as any project for a military or federal installation which is important to the Louisiana economy and that may be subject to base realignment and closure and purchase of land for a mega-project.

Proposed law clarifies that a "mega-project" may be any project for a military or federal installation which is important to the Louisiana economy and that may be subject to base realignment and closure or the purchase of land for a mega-project.

Present law permits monies in the Mega-Project Economic Development Fund, for FY 2008-09, to be used for a one-time salary supplement for certain school support personnel in accordance with HB No. 1 of the 2008 R.S.

Proposed law deletes present law.

Proposed law defines a "mega-project" as a project resulting in re-creating or saving at least 500 direct jobs, through the transfer of ownership of a facility that has been closed or is at risk of closure due to conditions arising out of or relating to a proceeding under Title 11 of the U.S. Code.

Present law restricts the investment by the state in any mega-project to 30% of the total project cost.

Proposed law specifies that "total project cost" is as defined in the cooperative endeavor agreement.

Authorizes and directs the state treasurer to deposit \$3,000,000 into the state general fund from the Incentive Fund.

Transfers monies to the state general fund from various fund appropriations reduced in the Deficit Reduction Plan approved by the governor by executive order and by action of the Joint Legislative Committee on the Budget on January 9, 2009. Authorizes the transfer of \$24,378,056 to the state general fund in the following amounts from the following funds:

Amount	Fund
\$ 1,500	DNA Testing Post-Conviction Relief for Indigents
\$ 332,673	State Parks Improvement and Repaid Fund
\$ 47,500	Poverty Point Reservoir Development Fund
\$ 2,500	Audubon Golf Trail and Development Fund
\$ 15,625	Higher Education Initiatives Fund
\$ 33,861	Louisiana Charter School Startup Loan Fund
\$ 30,633	Louisiana Technology Innovations Fund
\$ 32,750	St. Landry Parish Excellence Fund
\$ 30,000	Calcasieu Parish Fund
\$ 528,245	Tobacco Tax Health Care Fund
\$ 38,500	Bossier Parish Truancy Fund
\$ 149,682	Louisiana Economic Development Fund
\$ 297,869	Small Business Surety Bonding Fund
\$ 8,223	Entertainment Promotion and Marketing Fund

Amount	Fund
\$ 118,273	Marketing Fund
\$ 2,354,994	Rapid Response Fund
\$ 2,341,787	Video Draw Poker Device Fund
\$ 176,329	Video Draw Poker Purse Supplemental Fund
\$ 127,437	Pari-mutuel Live Racing Facility Gaming Control Fund
\$ 10,000	Beautification/Improvement New Orleans City Park Fund
\$ 5,000	Algiers Economic Development Foundation Fund
\$ 27,800	2 Percent Fire Insurance Fund
\$ 32,663	Administrative Fund - Department of Insurance
\$ 60,319	Department of Justice Legal Support Fund
\$ 41,235	Department of Justice Debt Collection Fund
\$ 1,800	Greater New Orleans Expressway Commission
\$ 671,732	Office of Workers' Compensation Administration
\$ 2,387,671	Labor - Incumbent Worker Training Account
\$ 271,138	Employment Security Administration Account
\$ 134,889	Labor - Penalty and Interest Account
\$ 277,388	Oilfield Site Restoration Fund
\$ 561,095	Mineral Resource Operation Fund
\$ 487,957	Oil and Gas Regulatory Fund
\$ 454,356	Louisiana Fire Marshal Fund
\$ 6,544	Motorcycle Safety and Training Fund
\$ 30,247	Public Safety DWI Testing, Maintenance and Training Fund
\$ 17,655	Concealed Handgun Permit Fund
\$ 4,559	Right to Know Fund
\$ 39,714	Liquified Petroleum Gas Commission Rainy Day Fund
\$ 5,790	Explosives Trust Fund
\$ 564,993	Office of Motor Vehicles Customer Service and Technology Fund
\$ 27,335	Louisiana Life Safety and Property Protection Fund
\$ 2,525	Oyster Sanitation Fund
\$ 100	Keep Louisiana Beautiful Fund
\$ 38,200	Indigent Parent Representation Program Fund
\$ 50,000	Incentive Fund
\$ 12,500	Evangeline Parish Recreational District Fund
\$ 5,810	Shreveport Riverfront and Convention Center and Independence Fund
\$ 209,752	Oil Spill Contingency Fund
\$ 38,760	Drug Abuse Education and Treatment Fund
\$ 45,987	Louisiana Environmental Education Fund
\$ 30,966	Louisiana Manufactured Housing Commission
\$ 5,330,832	Overcollections Fund
\$ 1,443,029	Louisiana Public Defender Fund

Amount	Fund
\$ 500,000	Community Water Enrichment Fund
\$ 3,169,639	Conservation Fund
\$ 18,399	Seafood Promotion and Marketing Fund
\$ 5,000	Fur and Alligator Education - Marketing Fund
\$ 65,014	Wildlife Habitat and Natural Heritage Fund
\$ 21,825	Louisiana Duck License Stamp and Print Fund
\$ 100,821	Louisiana Alligator Resource Fund
\$ 1,800	Natural Heritage Account
\$ 380	Louisiana Reptile/Amphibian Research Fund
\$ 3,743	Louisiana Wild Turkey Stamp Fund
\$ 9,185	Oyster Development Fund
\$ 9,256	Shrimp Marketing and Promotion Account
\$ 2,180	Conservation of the Black Bear Account
\$ 26,000	Public Oyster Seed Ground Development Account
\$ 13,400	Shrimp Trade Petition Account
\$ 250	Crab Promotion and Marketing Account
\$ 1,981	Derelict Crab Trap Removal Program Account
\$ 41,592	Motor Carrier Regulation Fund
\$ 364,080	Utility and Carrier Inspection/Supervision Fund
\$ 16,319	Telephonic Solicitation Relief Fund
\$ 8,470	Education Excellence Fund

Authorizes and directs the state treasurer to deposit \$404,308 into the Overcollections Fund from the Louisiana Technology Innovations Fund, notwithstanding any provision of law to the contrary.

Authorizes and directs the state treasurer to deposit \$344,500,000 into the Louisiana Medical Assistance Trust Fund from FY 2008-2009 state general fund receipts.

Provides that monies in the Rapid Response Fund at the end of FY 2008-09 shall not be included in the determination of the fund balance, requiring the state treasurer to deposit \$10 million into the fund on July 1, 2009.

All provisions of this Act shall become effective upon signature of the governor or lapse of time for gubernatorial action, except that provisions for the transfer of monies from the Incentive Fund for deposit into the state general fund and provisions related to the Rapid Response Fund shall be effective on July 1, 2009.

(Amends R.S. 51:2365(F))

Louisiana *Vibrio parahaemolyticus* Control Plan

Max Hours from Harvest	36 Hrs	14 Hrs	12 Hrs	5 Hrs
Basin 02	Dec- Jan - Feb	Mar-Apr - Nov	May - Oct	Jun-Sep
Basin 03	Dec – Jan - Feb	Mar-Apr - Nov	May - Oct	Jun-Sep
Basin 04	Dec- Jan- Feb - Mar	Apr - Nov	May - Oct	Jun-Sep
Basin 06	Dec -Jan -Feb- Mar	Apr - Nov	May - Oct	Jun-Sep
Basin 12	Dec-Jan- Feb- Mar	Apr - Nov	May- Oct	Jun-Sep

DRAFT

V. Vulnificus Risk Calculator (example: mean water/air temperatures are for LA)

month	water temperature (F)	Baseline air temperature during harvest (F)	maximum time unrefrigerated (hr)	maximum time to cooldown (hrs)	Baseline: # of servings	air (oyster) temperature during harvest (F)	maximum time unrefrigerated (hr)	maximum time to cooldown (hrs)	# of servings	mean log10 Vv/g at retail	risk (per 100,000 servings)	expected number of cases	# of cases for the baseline scenario	expected % reduction from baseline
Jan	57	56	36	10	128,000	56	36	10	108,800	0.31	0.01	0.01	0.01	15.0%
Feb	55	53	36	10	132,000	53	36	10	112,200	-0.052	0.00	0.00	0.00	15.0%
Mar	67	64	36	10	151,000	64	36	10	128,350	2.2	0.65	0.83	0.98	15.0%
Apr	71	68	14	10	131,000	68	8	6	100,215	2.6	1.03	1.04	2.15	51.7%
May	77	75	12	10	110,000	75	2	6	84,150	3.1	1.82	1.54	3.81	59.7%
Jun	84	82	12	10	105,000	82	2	6	80,325	3.6	2.89	2.32	4.99	53.6%
July	85	82	10	10	97,000	82	2	6	74,205	3.6	2.92	2.17	4.40	50.7%
Aug	84	80	10	10	88,000	80	2	6	67,320	3.5	2.78	1.87	3.80	50.7%
Sep	81	78	12	10	99,000	78	2	6	75,735	3.4	2.47	1.87	4.19	55.4%
Oct	79	77	12	10	127,000	77	8	6	97,155	3.6	3.09	3.01	5.05	40.4%
Nov	70	67	14	10	146,000	67	10	10	124,100	2.6	1.06	1.32	1.95	32.3%
Dec	55	52	36	10	149,000	52	36	10	126,650	-0.052	0.00	0.00	0.01	15.0%
					1,463,000				1,179,205			15.98	31.34	49.0%

NEED 15 or 16

Ten Percent Reduction # Servings

Apr	111350	100215
May	93500	84150
Jun	89250	80325
Jul	82450	74205
Aug	74800	67320
Sep	84150	75735
Oct	107950	97155

Oyster Tag Sales By Type

07/01/08 - 04/30/09

Generic	426,300
Shucking	500
Computer	310,000
Post Harvest (Blue)	117,500
Personalized Regular	895,000
Personalized Green	65,000
Generic Green	500
Personalized Post Harvest(Blue)	140,000
For Cooking Only	31,500
Personalized For Cooking Only	180,000
Yellow	10,000
Total	1,740,000
	X
	0.05
	<hr/>
	87,000
	<hr/>

SEAFOOD PROMOTION AND MARKETING BOARD
STATUTORY DEDICATION FUND CASH STATUS
FISCAL YEAR 2008-2009
AS OF MARCH 9, 2009

	(W02) SPMF	(W18) OYSTER DEVELOPMENT	(W22) SHRIMP MKT	(W33) CRAB PROMOTION	(W31) SHRIMP TRADE	(W09) ALLIGATOR
Beginning Fund Balance	160,199.09	59,378.69	226,336.73	47,146.00	397,422.50	50,000.00
Add: Revenue to date	304,250.00	115,273.00	62,757.00	23,800.00	6,403.00	
Less: Expenditure/encumbrances to date	298,490.50	155,771.35	100,104.97	1,736.71	3,625.00	11,730.74
Less: Budget Cut	17,113.00	9,185.00	9,256.00	250.00	13,400.00	2,500.00
Less: 511 OMF Portion of Seafood Promotion Fund	25,716.00					
Current Cash balance	123,129.59	9,695.34	179,732.76	68,959.29	386,800.50	35,769.26

**SEAFOOD PROMOTION AND MARKETING BOARD
FINANCIAL REPORT OYSTER DEVELOPMENT ACCOUNT**

FISCAL YEAR 2008-2009

AS OF MAY 11, 2009

Reporting Category - 2005	BUDGET	EXPENDED	ENCUMBERED	PRE ENCUMBERED	REMAINING BALANCE
EXPENDITURE CATEGORIES:					
Salaries	43,215.00	39,568.89			3,646.11
Other Compensation	-	-			-
Related Benefits	13,028.00	11,033.35			1,994.65
Travel	30,721.00	27,324.95			3,396.05
Operating Services	27,559.00	13,235.68	1,125.00		13,198.32
Supplies	11,308.00	4,919.81	-		6,388.19
Professional Services	40,347.00	40,623.01	6,396.99		(6,673.00)
Other Charges	-	6,000.00	5,000.00		(11,000.00)
Acquisitions	152.00	-			152.00
Interagency Transfers	6,840.00	543.67			6,296.33
Total	173,170.00	143,249.36	12,521.99	-	17,398.65
Fund Balance Available					9,695.34

State Oyster RC 2005

7/1/2008 through 5/12/2009 (Cash Basis)

5/12/2009

Date	Description	Memo	Amount
	EXPENSES		-143,325.71
	A (SALARIES) ***OBJ 2100-2150		-39,568.88
	C (RELATED BENEFITS) RC 2300 - 2410		-11,033.35
	D (TRAVEL) OBJ 2500 -2690		-27,401.31
	E (OPERATING SERVICES) OBJ 2700 - 3091		-13,235.68
	F (SUPPLIES) RC 3100- 3320		-4,919.81
	G (PROFESSIONAL SVCS.) RC 3400 - 3460		-40,623.01
	H (OTHER CHARGES)		-6,000.00
	K (INTERAGENCY TRANSFERS)		-543.67
	OVERALL TOTAL		-143,325.71

State Oyster RC 2005

7/1/2008 through 5/12/2009 (Cash Basis)

Page 1

5/12/2009	Date	Description	Memo	Amount
EXPENSES				
A (SALARIES) ***OBJ 2100-2150				
2100 CLASSIFIED SALARIES				
7/1/2008		CLASSIFIED EMPLOYEE SALARIES		-143,325.71
2130 UNCLASSIFIED SALARIES				
7/1/2008		UNCLASSIFIED EMPLOYEE SALARIES		-39,568.88
			YTD	-1,187.84
			YTD	-38,381.04
			YTD	-38,381.04
C (RELATED BENEFITS) RC 2300 - 2410				
Other C (RELATED BENEFITS) RC 2300 - 2410				
7/1/2008		RELATED BENEFITS		-11,033.35
			YTD	-11,033.35
			YTD	-27,401.31
D (TRAVEL) OBJ 2500 -2690				
2610 OUT OF STATE				
2/28/2009		BANK OF AMERICA	Airline Tickets 2009 LA Alive (Chefs)	-9,220.52
4/15/2009		CHRIS MONTERO	2009 LA Alive Travel Expenses	-3,182.49
4/15/2009		BRIAN LANDRY	2009 LA Alive Travel Expenses	-1,313.17
4/5/2009		GREGG COLLIER	2009 LA Alive Travel Expenses	-1,229.71
4/15/2009		MELVIN RODRIGUE	2009 LA Alive Travel Expenses	-1,220.98
4/15/2009		GREG REGGIO	2009 LA Alive Travel Expenses	-1,197.19
			2009 LA Alive Travel Expenses	-1,076.98
				-18,180.79
2630 BOARD MEMBERS				
7/1/2008		TRAVEL CARRY-OVER FROM PREVIOUS FISCAL YE...	YTD Carry-over	-5,212.15
2/28/2009		MIKE VOISIN	2009 LA Alive Travel Expenses - Washington, DC	-1,952.70
4/15/2009		WILBERT COLLINS	2009 LA Alive Travel Expenses	-1,918.70
2/28/2009		AL SUNSERI	2009 LA Alive Travel Expenses - Washington, DC	-1,806.80
10/15/2008		MIKE VOISIN	NFI Annual Meeting - Las Vegas, NV	-1,638.00
4/30/2009		BANK OF AMERICA	Airline Tickets - Mike & Al/ISSC	-1,188.80
1/30/2009		BANK OF AMERICA	Airline Tickets (Mike & Wilbert, 2009 LA Alive)	-1,053.00
10/15/2008		WILBERT COLLINS	2008 ISSC Conference, Olive Branch, MS	-823.96
8/30/2008		BANK OF AMERICA	NFI Conference Registration - Mike Voisin	-775.00
9/30/2008		BANK OF AMERICA	Airline Ticket - Mike Voisin - Washington, DC	-611.99
4/15/2009		BANK OF AMERICA	Flight (Al Sunseri - LA Alive)	-436.99
2/28/2009		BANK OF AMERICA	Flight for Mike Voisin	-314.22
10/15/2008		AL SUNSERI	2008 ISSC Conference, Olive Branch, MS	-298.48
3/31/2009		BANK OF AMERICA	Airline Ticket Adjustment -Mike Voisin - 2009 LA Alive	-150.00
E (OPERATING SERVICES) OBJ 2700 - 3091				
2700 ADVERTISING				
4/15/2009		HOMETOWN PRODUCTIONS, INC	2008 Oyster Education Day VNR	-13,235.68
4/15/2009		BANK OF AMERICA	Ewell (Oyster Online Ad)	-1,994.00
				-1,895.00
				-99.00
				-414.80
2710 PRINTING				

State Oyster RC 2005

7/1/2008 through 5/12/2009 (Cash Basis)

Date	Description	Memo	Amount
2/28/2009	BANK OF AMERICA	Victoria (Banners for 2009 LA Alive)	-414.80
2870	OTHER RENTALS		-7,500.00
8/14/2008	LA ALIVE		-7,500.00
2900	POSTAGE, MAIL, DELIVERY	2009 LOUISIANA ALIVE BOOTH SPACE RENTAL	-703.36
4/30/2009	SOUTHWEST COMPUTER BUREAU INC	Oysters Harvest Mailing Postage Charges	-478.94
2/28/2009	BANK OF AMERICA	Victoria (FEDEX Shipping/2009 LA Alive-Washington, DC)	-224.42
3000	OTHER OPERATING SERVICES		-2,623.52
12/31/2008	EWELL SMITH	2008 Oyster Education Day	-2,623.52
F (SUPPLIES) RC 3100- 3320			-4,919.81
3100	OFFICE SUPPLIES		-65.11
2/28/2009	BANK OF AMERICA	Ashley (Supplies for LA Alive)	-65.11
3160	FOOD		-4,734.50
8/14/2008	ZEA 1 LLC DBA ZEA CAFE	2008 LA ALIVE, WASHINGTON, DC, CONCESSIONS &...	-1,990.67
2/28/2009	GALATOIRE'S RESTAURANT INC	2009 LA Alive/Oyster Rockefeller/Thursday Event	-914.75
1/30/2009	RAWBAR INC DBA ACME OYSTER HOUSE	2008 Oyster Education Day Catering	-862.95
4/15/2009	ZEA 1 LLC DBA ZEA CAFE	2009 LA Alive Seafood Preparations and Distribution	-748.63
2/28/2009	GALATOIRE'S RESTAURANT INC	2009 LA Alive/Oyster Rockefeller/Wednesday Event	-217.50
3220	PROMOTIONAL ITEMS		-120.20
2/28/2009	BANK OF AMERICA	Victoria (Oyster Pearl Beads/2009 LA Alive)	-120.20
G (PROFESSIONAL SVCS.) RC 3400 - 3460			-40,623.01
3430	LEGAL		-5,000.00
10/31/2008	REDMON, PEYTON & BRASWELL		-5,000.00
3460	OTHER		-35,623.01
4/15/2009	NATIONAL FISHERIES INSTITUTE	2009 LA Alive/Professional Services	-26,580.61
4/30/2009	NATIONAL FISHERIES INSTITUTE	Oysters for 2009 La Live Event	-3,522.40
2/28/2009	CHESAPEAKE GROUP LLC	Professional Services	-3,000.00
8/14/2008	DR. THOMAS SONIAT	SUMMER 2008 DERMO STUDY	-1,975.00
9/30/2008	TORRES REPORTING & ASSOCIATES, INC.	Transcribe OTF Meeting 07/28/08	-545.00
H (OTHER CHARGES)			-6,000.00
3650	MISCELLANEOUS		-6,000.00
4/15/2009	LOUISIANA OYSTER DEALERS & GROWERS ASSO...	Sponsorship 2009 Louisiana Oyster Convention	-5,000.00
4/30/2009	MISSISSIPPI DEPARTMENT OF MARINE RESOURCES	Sponsorship/Gulf & South Atlantic State Shellfish Confer...	-1,000.00
K (INTERAGENCY TRANSFERS)			-543.67
4980	IAT INSURANCE		-543.67
12/30/2008	Inter-agency Transfers	YTD	-543.67
OVERALL TOTAL			-143,325.71